Ontario

ONTARIO RENTAL HOUSING TRIBUNAL

ANNUAL REPORT
2004-2005

2007-00341

Minister of Municipal Affairs and Housing

Minister Responsible for Seniors

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Ontario

TO THE LIEUTENANT GOVERNOR
OF THE PROVINCE OF ONTARIO

MAY IT PLEASE YOUR HONOUR:

For the information of Your Honour and the Legislative Assembly, we have the privilege of presenting the Annual Report of the Ontario Rental Housing Tribunal for the 2004-2005 fiscal year.

Respectfully submitted,

Hon. John Gerretsen
Minister of Municipal Affairs and Housing

Ontario Rental Housing Tribunal

Office of the Chair

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Ontario

TO THE HONOURABLE JOHN GERRETSEN
MINISTER OF MUNICIPAL AFFAIRS AND HOUSING

MINISTER:

I have the honour to submit the Ontario Rental Housing Tribunal's Annual Report for the 2004-2005 fiscal year.

Respectfully submitted,

Dr. Lilian Ma
Chair
Ontario Rental Housing Tribunal

Ontario Rental Housing Tribunal

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Chair's Message

This is the seventh Annual Report of the Ontario Rental Housing Tribunal. Our Annual Reports coincide with the government's fiscal year; therefore, this Report will cover the period from April 1, 2004 to March 31, 2005.

The Ontario Rental Housing Tribunal provides services to our clients, the landlords and tenants of residential premises of Ontario as well as community groups and interest groups who provide special services to their constituencies. During this fiscal year the Tribunal saw the departure of the first Chair of the Tribunal, Chisanga Puta-Chekwe, as well other Adjudicators as they moved on to other challenges at the end of their terms. We welcomed many new members to join us in our day to day task of dispute resolution for the people of Ontario. We acknowledge the work done by the existing members and Beverly Moore, who served as interim chair during the period September 1, 2004 to June 1, 2005. During the transition period, existing members not only increased hearing blocks but also provided mentoring and support to the new members.

The call centre continues to be an important part for our dissemination of information to the public. New technology helped in the transformation of our service delivery. The Call Centre was also called upon to provide call centre technology for the Ministry's Residential Tenancies consultation; the Greenbelt consultation; the COMRIFF fund of Rural Affairs; and the Ministry of Labour new temporary help line for new inspectors. We have received many valuable feedbacks from our landlord and tenant clients. It would appear from these feedbacks that the call centre provided much needed and timely service in the past year.

The Tribunal remains dedicated to providing fair and effective service to all our clients. To that end, the Tribunal is committed to developing plans and programs on a continuing basis to fulfill our mission in the best possible ways.

Sincerely,

Dr. Lilian Ma, Chair
Ontario Rental Housing Tribunal

THE TENANT PROTECTION ACT

The *Tenant Protection Act, 1997,* (the TPA), was proclaimed on June 17, 1998 and applies to rental units in residential complexes.

Prior to the creation of the TPA, disputes between landlords and tenants were settled through the provincial court system. The court system was formal and costly, and dispute resolution often took a long time.

As well, previous legislation had a separate system for the Rent Control Program which oversaw the regulation of rent increases and provided information resources for tenants and landlords.

The need to provide a unified service to tenants and landlords led to the enactment of the *Tenant Protection Act, 1997* which consolidated the two systems and created an independent, quasi-judicial agency – the Ontario Rental Housing Tribunal, to administer the two prongs: dispute resolution and rent control, in relation to residential renting housing in Ontario.

The TPA set out the rights and obligations of landlords and tenants and created a process that was meant to deal with disputes resolution expeditiously and be accessible to the public who may not have legal representation.

Since proclamation, the *Tenant Protection Act, 1997* has been amended by the *Red Tape Reduction Act* in the fiscal year of 2001-2002 and, in the fiscal year of 2002-2003, by the *Government Efficiency Act*. Many of the amendments clarify existing rules in the TPA while other amendments have added new rights for landlords or tenants and change how the law applies. Each year, according to the Act a new rent increase guideline is announced. The annual rent increase guideline for 2005 was announced in August and is 1.5%.

THE ROLE OF THE ONTARIO RENTAL HOUSING TRIBUNAL

The role of the Tribunal is to:

- Resolve tenant and landlord disputes through either adjudication and/or mediation
- Determine ler above guideline rent increases with respect to residential units
- Provide landlords and tenants with information about their rights and obligations

The Tribunal focuses solely on residential rental accommodation issues and offers a process that is more effective than previous systems for resolving landlord and tenant matters.

The Adjudication Process

The Tribunal was designed to create a fair but less formal environment than that in the courts for the resolution of disputes between landlords and tenants. Under the adjudication process:

- Disputes are heard in public buildings rather than courtrooms
- Tenants may choose to represent themselves and may consult an on-site legal aid representative
- The more conciliatory approach of mediation is provided by the Tribunal before the hearing process begins or on the day of the hearing. It is provided to the parties in a "without prejudice" manner so that the matter can still go to adjudication if mediation fails.
- The Tribunal's adjudicators are trained to deal fairly and effectively with the issues. Adjudicators appointed to the Tribunal are selected from a structured interview.

Adjudicators from across the province meet formally twice a year to discuss issues. They also meet more frequently and informally in their regions. Some of them sit on committees and working groups such as the Rules and Guidelines Committee, groups to review the format of orders and other groups that gather opinions on specific issues. Members' meetings also contain elements of on going professional development to update members on emerging issues such as amendments to the TPA and new case law, and to provide forums for members to discuss decision-making and other matters.

The Mediation Process

Mediation is offered under the *Tenant Protection Act*. It is often used to clarify issues and reduce areas of dispute so that the hearing may proceed more expeditiously. It can also lead to a resolution of the matter without a hearing. Mediated settlements are more flexible in their content than Tribunal orders. This often assists parties in reaching a satisfactory conclusion to their difficulties. Mediators use their expertise on the *Tenant Protection Act* and their negotiation skills to assist landlords and tenants in mediating their disputes and concerns. Mediators are available at all our hearing locations and provide a valuable service in narrowing the issues, focusing the clients on the most important issues and often resolving many of the peripheral issues before the hearing begins.

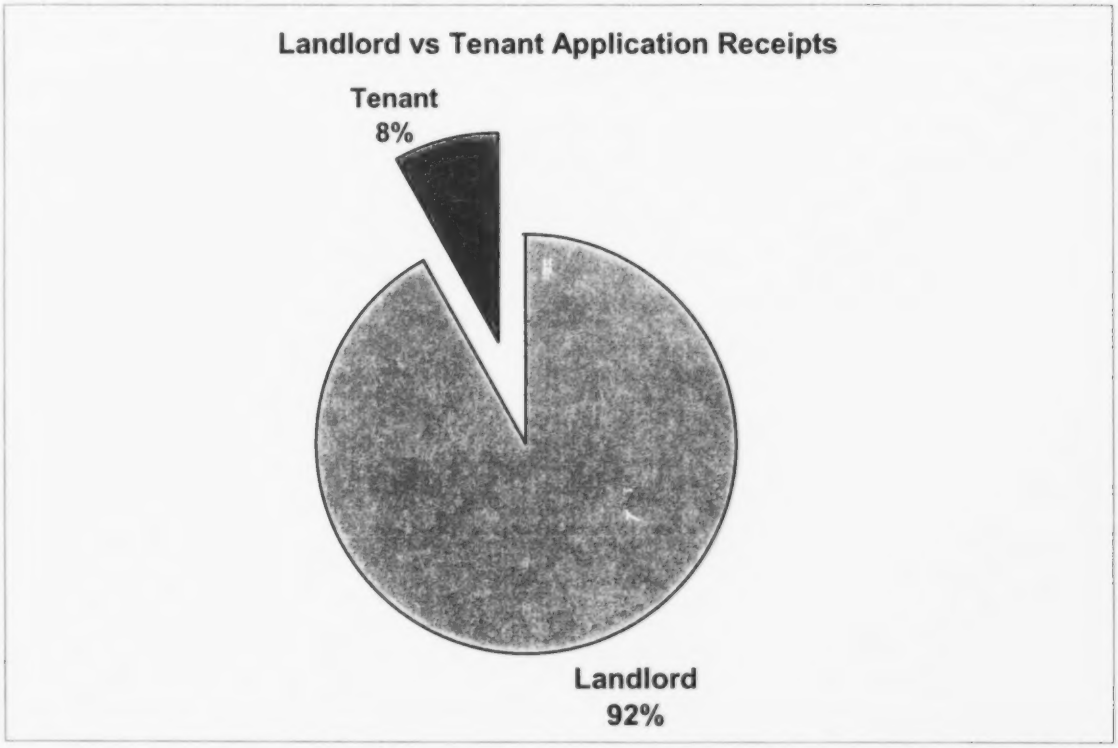
During the fiscal year 2004-2005, approximately 15.1 per cent of the Tribunal's applications were successfully mediated without the adjudication process. More difficult to quantify is the benefit of resolving only some of the issues in an application. Although these applications still have to be heard, the hearing takes a much shorter time because many of the issues have already been resolved through mediation. We are trying to focus our mediation on the more complex applications. Many tenant applications benefit greatly from mediation and we concentrate much of our resources on these. We have had success in mediating Above Guideline Increase applications, which saves all parties lengthy hearings and provides a quicker resolution of the issues.

Statistical Information for the 2004-2005 Fiscal Year

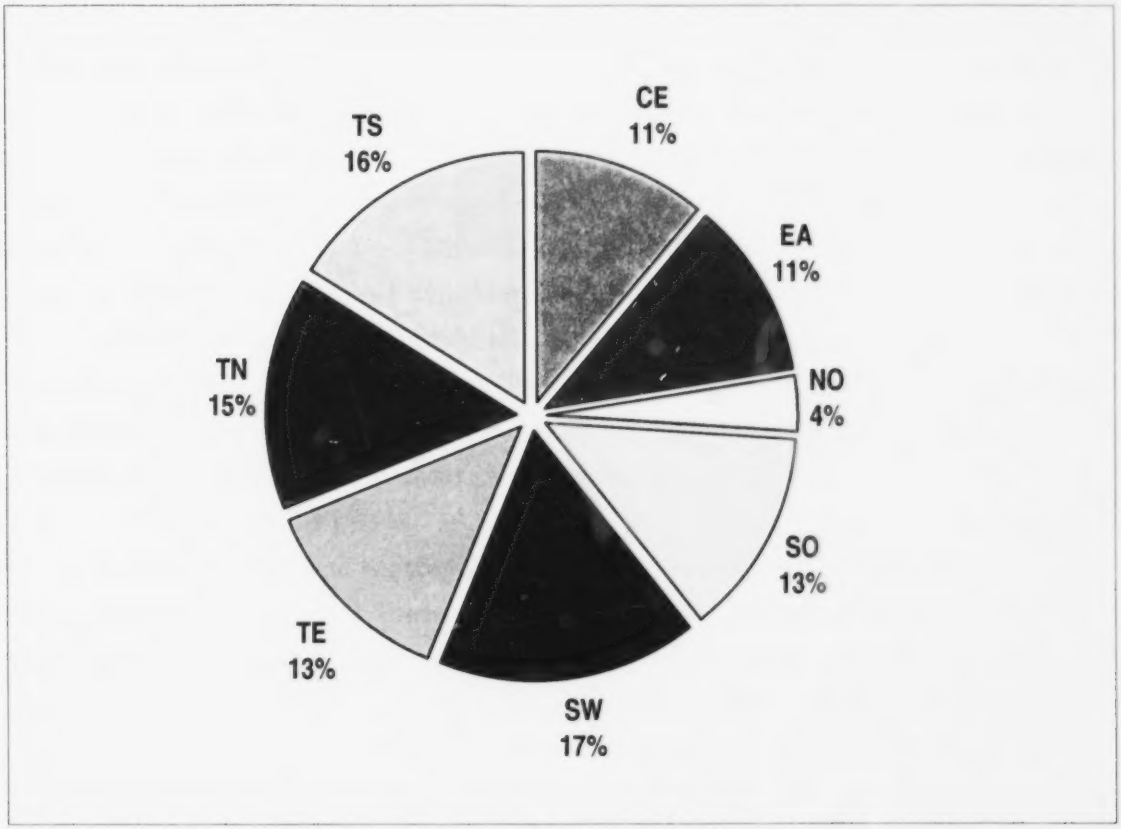
Applications

During the 2004-2005 fiscal year, the Tribunal received 74,867 applications and resolved 70,527. (Because the Tribunal resolves re-opened mediation and set-asides, some applications may generate more than one resolution.) At the end of the fiscal year, 10,404 applications were still in progress.

The distribution of application receipts for the 2004-2005 fiscal year are reflected in the following profile:



The regional distribution of applications is as follows:



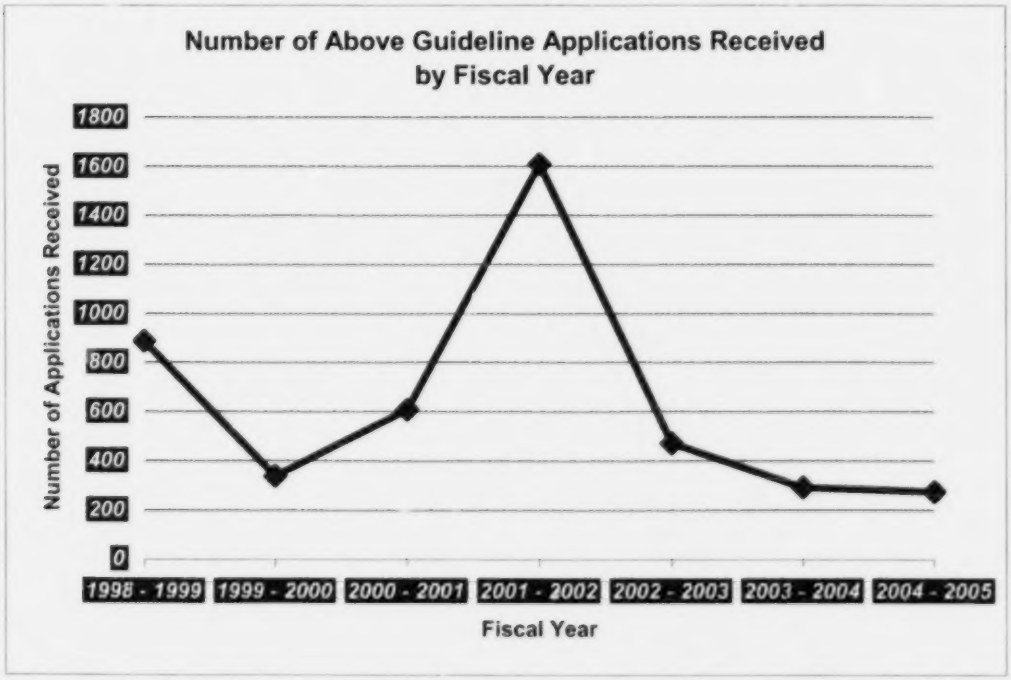
CE refers to Central; **EA** to Eastern; **NO** to Northern; **SO** to Southern; **SW** to Southwestern; **TE** to Toronto East; **TN** to Toronto North; and **TS** to Toronto South

Eviction applications have been in the majority since the Tribunal began in 1998. This year, the trend has continued. Of the total applications received by the Tribunal, 74.64 per cent were for termination of tenancies because of arrears of rent. This is slightly up from 73.15 per cent last year. Tenant applications accounted for 8 per cent of the applications filed during this fiscal year. This is down from 9.51 per cent last year.

Above Guideline Rent Increase Applications

An average of 251 applications for above guideline rent increases were received each year under the *Rent Control Act*. Under the *Tenant Protection Act*, during the first year of Tribunal operations, 887 applications for above guideline rent increases were received. In the fiscal year 2000-2001, 608 applications were received. During fiscal year 2002-2003, only 471 above guideline rent increase applications were received, a substantial decrease from the previous fiscal year 2001-2002 where the Tribunal received 1608. The increase for fiscal 2001-2002 in above guideline rent increase application receipts was mainly the result of landlords experiencing an extraordinary increase in the cost of utilities, specifically a spike in gas prices. During the fiscal year 2004-2005, 274 applications were received, slightly down from fiscal 2003-2004 where the Tribunal received 292 applications.

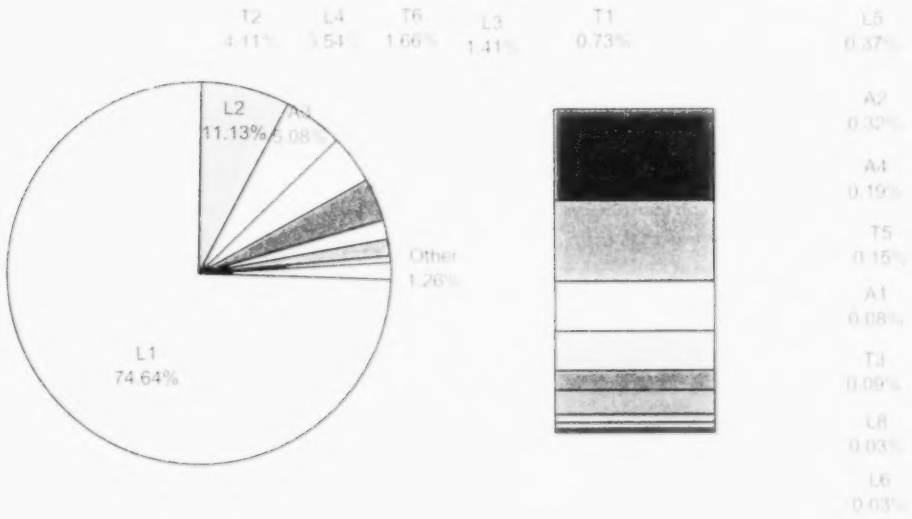
Above guideline rent increase applications continue to take a disproportionate amount of time both for adjudicators and staff. These applications continue to make up less than 1 per cent of the total applications received, and account for 20 per cent of the Tribunal's time.



Mediation is helping us with this workload, although we continue to look for other ways to increase our efficiency and speed up the resolution process.

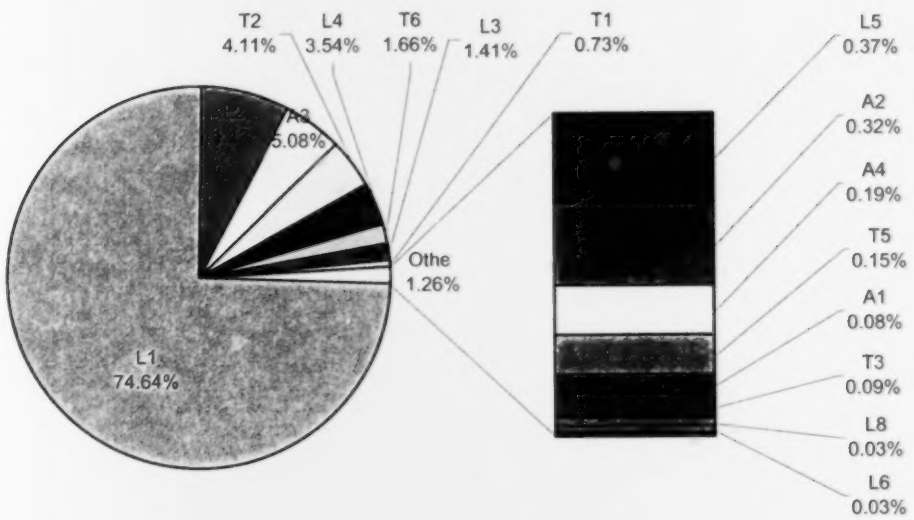
The chart on the following page shows the distribution of the Tribunal's workload, by type of application and disposition method (default or hearing).

Workload for Fiscal 2004/2005
Distribution of Application Receipts



Case Type		# Cases	#Defaults	#Hearings
L1	L1 - Termination and Non-Payment of Rent	55,877	31,590	18,024
L2	L2 - Terminate Tenancy & Evict	5,671	1,185	3,409
A3	A3 - Combined Application	3,801	551	2,630
T2	T2 - Tenant Rights	3,075	0	2,226
L4	L4 - Terminate Tenancy, Failed Settlement	2,648	2,236	803
T6	T6 - Maintenance	1,245	0	874
L3	L3 -Termination, Tenant Gave Notice	1,059	766	383
T1	T1 - Rebate	545	31	369
L5	L5 - Rent Increase Above Guideline	274	0	251
A2	A2 - Sublet or Assignment	237	62	134
A4	A4 - Vary Rent Reduction Amount	144	0	181
T5	T5 - Bad Faith Notice of Termination	114	0	80
A1	A1 - Determine Whether Act Applies	60	0	46
T3	T3 - Rent Reduction	71	0	48
L8	L8 - Tenant Changed Locks	23	0	16
L6	L6 - Review of Provincial Work Order	19	0	18
L7	L7 - Transfer of Tenant to Care Home	2	0	1
T4	T4 - Failed Rent increase Above Guideline	2	0	3
		74,867	36,421	29,496

Workload for Fiscal 2004/2005
Distribution of Application Receipts



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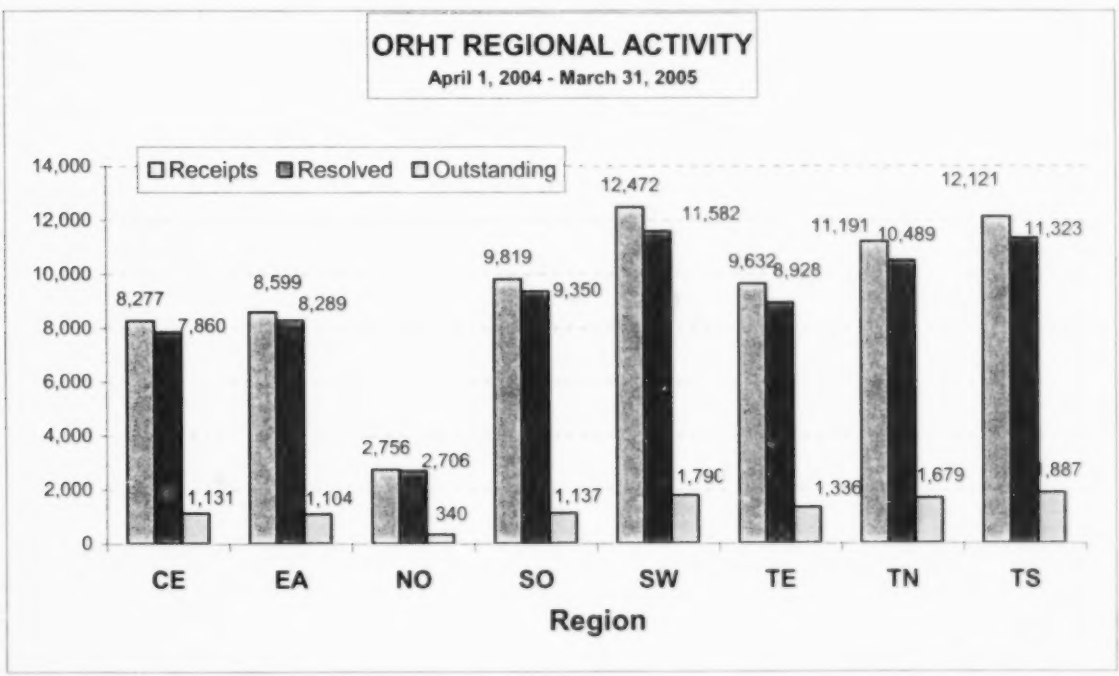
		74,867	**36,421**	**29,496**

Application Resolution

The Tribunal strives to resolve applications expeditiously. On average, the Tribunal maintains only one month's receipts as open files. Most orders are issued within 20 days of filing the application and more complex orders are issued within 25 days.

The chart below indicates that receipts and resolutions remained constant during the year.



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Tribunal Locations

The Ontario Rental Housing Tribunal has eight regional offices and nine client service offices across the province where landlords and tenants can file applications, have their questions answered by a customer service representative, and attend hearings.

Most of the Tribunal's hearings are held in its regional offices located in the following areas:

- London
- Hamilton
- Mississauga
- Toronto South (Downtown area)
- Toronto North (North York area)
- Toronto East (Scarborough area)
- Ottawa
- Sudbury

In addition, hearings are also held in the client service office in Windsor.

Alternative Service Delivery

The partnership with other governmental bodies such as the one with the Ministry of Consumer and Business Services to deliver services to the public proves to be very positive. This way, the public is provided with convenient access to government services and information. The Ontario Rental Housing Tribunal has also benefited through the affiliation with a service network to serve its clients in less populated areas.

At Ontario Rental Housing Tribunal/Government Information Centre Co-locations, landlords and tenants can file applications, and have their questions answered by a customer service representative. The co-locations are located in the following areas:

Barrie	Kingston
Kitchener	Owen Sound
Peterborough	St. Catharines
Thunder Bay	Whitby

At Government Information Centres, landlords and tenants can file applications and supporting documents. Staff of these centres cannot answer questions about the rights and obligations of tenants and landlords under the *Tenant Protection Act;* they can, however, accept applications on behalf of the Tribunal and provide access to information pamphlets and application forms. The Tribunal uses the services of the following Government Information Centres:

Atikokan	Aurora	Bancroft	Barrie
Belleville	Blind River	Brampton	Brockville
Chapleau	Chatham	Cochrane	Cornwall
Dryden	Elliot Lake	Espanola	Fort Frances
Geraldton	Gore Bay	Guelph	Hawkesbury
Hearst	Huntsville	Ignace	Kapuskasing
Kenora	Kingston	Kirkland Lake	Kitchner
Lindsay	Marathon	Minden	Moosonee
New Liskeard	Nipigon	North Bay	Oakville
Owen Sound	Parry Sound	Pembroke	Peterborough
Red Lake	Renfrew	Sarnia	Sault Ste. MarieSimcoe
Sioux Lookout	St. Catharines	Stratford	Thunder Bay
Timmins	Wawa	Whitby	

Statistically the Government Information Centre Processing Unit receives on average 173 applications per month in total from the above listed locations. These office locations provide our clients with convenient access to government services, particularly in Northern Ontario. The Tribunal has been able to reduce operating costs through the use of the full Government Information Centre Network.

Call Centre

The Tribunal has a virtual call centre for handling customer inquiries. There is a toll-free number for callers who live outside Toronto (1-888-332-3234); and, in the Greater Toronto area the number is 416-645-8080. Customer service representatives are available during normal business hours. An extensive telephone script answers frequently asked questions 24 hours a day, 7 days a week. This year, the Tribunal responded to approximately 545,600 telephone calls. After hours and on weekends, a toll-free number is also available for faxing time sensitive documents and for ordering any of the Tribunal's public education brochures. These brochures are available in English and French. Selected brochures on the most important topics are available in seven other languages: Portuguese, Italian, Chinese, Punjabi, Polish, Tamil and Spanish.

The call centre employs the appropriate technology which improved province-wide service delivery. The call centre of the Ontario Rental Housing Tribunal, apart from serving the public was also chosen to help the Government in handling telephone responses in other consultations (for example, in the Ministry's Residential Tenancies consultation; the Greenbelt consultation; the COMRIFF fund of Rural Affairs; and the Ministry of Labour new temporary help line for new inspectors).

E-government

The Tribunal's website (orht.gov.on.ca) is visited almost one million times each month. Our website is easily accessible to disseminate information to all of our clients. Clients can find information on our website about the progress of their application, the date of the hearing and whether an order has been issued. As well, all Tribunal forms and pamphlets, information on members, complaint procedures, relevant legislation, and rules and guidelines can be retrieved on line.

The Tribunal continues to take a phased approach to comply with the Government's commitment to multi-channel service delivery. The first phase allowed clients to inquire online on the status of their application; the second phase allowed for the scanning, interpretation and processing of applications; and the third phase allowed for a large majority of applications to be processed through teleform. The Tribunal continues to work towards enhancing its quality service for clients.

French Language Services

The Tribunal is committed to providing services in both official languages in accordance with the *French Language Services Act*. In designated areas, a completely fluent adjudicator will provide French hearings and orders will be translated where requested. All offices in designated areas have bilingual staff available for our French-speaking clients and staff are available at Government Information counters who are able to provide services in each of the official languages.

ORDER SUMMARIES

Landlord Application **CEL-36643 Section 69**

The landlord filed an application to the Tribunal to terminate the tenancy and evict the tenant because she damaged the rental unit, interfered with the landlord's lawful rights and impaired the safety of other tenants.

The tenant caused a fire within the rental unit when she left a frying pan with oil unattended on the stove. Upon discovering the fire, the tenant collected her children and ran to a neighbour's unit. The neighbour extinguished the fire.

The landlord claimed that the tenant impaired the safety of herself, her children and the other tenants by causing the fire and by failing to take immediate steps to put out the fire once she had discovered it. The landlord also claimed damages to the rental unit in excess of $4000 and argued that the tenant seriously interfered with the interests of the landlord and other tenants by failing to hold a valid insurance policy as required by the tenancy agreement.

In her defence, the tenant claimed that the fire was an unfortunate accident and that once she was aware of the fire, she took reasonable steps to ensure the safety of her children and the other tenants by approaching her neighbour for assistance. The tenant pointed out that she cooperated fully with the landlord and contacted security and the fire department in a timely manner.

The Member found that the fire was preventable and the tenant was negligent in leaving the pan unattended. The tenant's actions, although not willful or premeditated, resulted in a potentially dangerous fire that seriously impaired her own safety and the safety of others. Since this was a single occurrence, however, the Member found that the tenant's continued presence in the rental unit did not pose an ongoing threat. The Member also concluded that the tenant's failure to acquire insurance did not amount to substantial interference of the landlord's rights, as the landlord had allowed the tenancy to begin without receiving evidence from the tenant that she had complied with this condition of the tenancy agreement.

The Member issued an order requiring the tenant to pay the landlord $4228.18 for the damage to the rental unit, at a rate of $50 per month. The tenant was also ordered to pay her rent in

guaranteed funds on the first of every month and to refrain from any activity that would cause any further damage or that would impair the safety of any other person in the complex. The Member granted the tenant relief from eviction provided that the tenant obeyed the conditions set out in the order. If the tenant failed to comply with any of the terms in the order, the landlord could apply to the Tribunal, without notice to the tenant, for an eviction order.

Tenant Application **CET-04190 Section 35**

The tenants applied for an order determining that the landlord gave a notice of termination in bad faith.

The landlord had served the tenants with a notice of termination because the landlord needed to complete extensive repairs to the rental unit. The tenants vacated the unit in compliance with the notice and informed the landlord in writing that they wanted the right of first refusal to occupy their unit when the renovations were completed. During the renovations, the tenants kept in contact with the landlord and informed the landlord of their whereabouts and of their continuing desire to return to the unit.

The landlord completed the renovations but instead of offering the unit to the tenants, the landlord re-rented the unit to another party. In her defence, the landlord explained that when she initially entered the unit to effect the repairs, she discovered that the tenants had damaged the property and therefore, the landlord did not want the tenants to return to the unit.

In making her determinations, the Member considered whether by not giving the tenants the right of first refusal, the landlord had given notice in bad faith. According to the Member, since section 53(3) states that the notice shall inform the tenant of the right of first refusal, it is implied that the landlord must make the unit available to the tenant, otherwise the right of the tenant, in section 56(3), to re-rent the unit at the same rent is meaningless. The Member concluded that by not making the unit available to the tenant and therefore not allowing the tenant to exercise the right of first refusal as is required by the legislation, the landlord did not act in good faith.

The landlord was ordered to pay the tenants $2,023.32 for the increased rent the tenants had incurred or would incur during the 12 month period after the tenant moved out of the unit.

The Member did not allow any reimbursement to the tenant for the increased utility costs or moving expenses claimed, as the tenant failed to provide proof of these costs.

Tenant Application **EAT-05480 Section 35**

The tenants applied for an order determining that the landlord substantially interfered with their reasonable enjoyment of the rental premises.

The tenants have been living in unit 3 of the residential complex for the past twenty-one years. A young married couple with two small children occupy the unit immediately above the tenants (unit 7). The tenants complained to the landlord on multiple occasions about noise from unit 7. According to the tenants, the children in unit 7 play with toys that they drag or ride on, and this produces a high level of noise on the hardwood floors. The tenants claim that the couple in unit 7 has made no effort to control the "noise-producing" conduct of their children. In support of their application, the tenants provided a copy of complaint reports that they filed with the city by-law office. Their son also testified that he heard the noise on many occasions when he visited his parents' apartment.

The landlord argued that the noises being produced by the children in unit 7 were simply normal household noises and it was the tenants who were being unreasonable. The couple in unit 7 testified that their children were in bed by 7:30 pm every night and that the tenants would come to her apartment and scream complaints through the door.

The Member determined that on a balance of probabilities, the tenants had shown that the noise produced by the children in unit 7 was excessive, and that this substantially interfered with the tenants' reasonable enjoyment of the premises. The Member noted that the *Tenant Protection Act* does not allow a tenant to file an application against another tenant and the landlord has an obligation to control or take action against an offending tenant.

The Member found that the landlord had substantially interfered with the tenants' reasonable enjoyment by not taking action against the occupants of unit 7 and by ignoring the tenants' complaints. The landlord was ordered to pay the tenants a lump sum abatement of $652.66, plus costs and related expenses in the amount of $399.48. The landlord was also ordered to install carpeting and under pad in unit 7 in order to reduce the noise transfer to the tenants' unit.

Landlord Application **NOL-12104 Section 69**

The landlord applied for an order to terminate the tenancy because the tenant had seriously impaired the safety of others.

The landlord, in the process of upgrading the electrical system in the building, installed 'fuse rejecters' into the electrical panel in the tenant's unit. This work was done with the tenant's permission and the tenant was present during the installation. The function of the fuse rejecters is to prevent larger fuses from being installed in the electrical panel, which may overload the system. Once installed, the fuse rejecters cannot be removed. The landlord provided the tenant with three replacement fuses that were the appropriate size for the panel.

On July 1, 2004, the landlord received a call from the tenant complaining that he had no power to his unit. The landlord went to the apartment and discovered that the tenant had attempted to remove a fuse rejecter with a screwdriver, causing a short in the system that cut off the power to the tenant's unit and several common areas. The landlord was concerned that the tenant's actions, if ever repeated, could jeopardize the safety of others and possibly cause a fire.

At the hearing, the tenant freely admitted that he tried to remove a fuse rejecter. The tenant explained that he was trying to use several electrical appliances at once and the power went off. The tenant replaced the fuse three times only to have the fuse blow again. The tenant used up all the fuses the landlord had given him and since it was a holiday, he was unable to purchase new fuses. The tenant found a spare fuse that was larger than the ones provided by the landlord and attempted to remove the rejecter so that he could install the larger fuse.

While the Member found that the landlord demonstrated admirable concern for the safety of his other tenants, the Member also found that the tenant had considerable remorse for his actions. Since the tenant had been living in the unit since 1998 without any previous problems with his tenancy and since the tenant promised not to take similar action in the future, the Member concluded that this solitary incident did not justify evicting the tenant. The landlord's application was dismissed.

Landlord Application **SWL-66940 Section 69**

The landlord applied for an order to terminate the tenancy and evict the tenant because the tenant committed an illegal act or was carrying on an illegal business on the premises.

The police raided the tenant's unit and discovered that the tenant had about 50 marijuana plants growing in his apartment, as well as several bags of dried marijuana. The landlord alleged that the tenant was producing and trafficking an illegal drug. In support of his allegations, the landlord noted that the tenant had many guests visiting the apartment and that the tenant was charged with this offence by the police.

The tenant freely admitted to having the plants and bags of marijuana but disputed the allegation that they were meant for trafficking. The tenant explained that he suffers from a medical condition and requires the marijuana for medical purposes.

The tenant argued that the 50 plants and the equipment he used to grow the drug were not adequate to produce the quantity required for commercial use. The tenant further explained that the dried bags found in the unit were obtained from an organization in Toronto that supplies marijuana to patients who have the appropriate documentation from their doctor. The tenant did not dispute the landlord's claim that he has a number of friends who visit him, but the tenant denied that the purpose of their visits was to purchase drugs. The tenant testified that he was recently prescribed a synthetic pill form of marijuana and that he therefore has a medical alternative to growing marijuana.

The Member found that the landlord did not prove on a balance of probabilities that the tenant's possession and production of marijuana was for the purpose of trafficking. The tenant's explanation adequately explained the quantity and use of the drug. While under normal circumstances, termination of the tenancy would be granted in cases where production of this volume were proven, the Member found that the mitigating factors in this case justified conditional relief from eviction. The tenant was ordered not to grow, cultivate or produce marijuana in the rental unit. If the tenant failed to comply with this provision in the order, the landlord could apply to the Tribunal, without further notice to the tenant, for an order terminating the tenancy.

Landlord Application **TEL-44155 Section 69**

The landlord applied for an order to terminate the tenancy and evict the tenant because the landlord required possession of the rental unit. The rental unit is located in a two-unit house. The tenant occupied the upper apartment and the unit on the ground floor was vacant.

The landlord claimed that he required possession of the tenant's unit for his son who would be moving back from the United States for a period of at least three months to look for employment in Ontario. There was no evidence that the son would be permanently residing in the rental unit, nor any evidence in the son's affidavit indicating why the son required this particular unit.

The landlord indicated that he and his wife would also be moving into the property. The landlord claimed that he and his wife had nowhere to live because they had sold their residence and this was the reason they had served notice of termination to the tenant. The evidence, however, showed that the landlord listed the property for sale after he had given the tenant notice. The landlord's wife further submitted that another son was going to have to stay in the rental unit while the roof of his dwelling was removed for renovation. The landlord argued that they could not move into the vacant unit on the ground floor because it was not fit for habitation.

The tenant submitted as evidence a copy of a letter the landlord had given him attempting to terminate the tenancy for the purpose of completing extensive repairs. The landlord, when questioned, was unable to provide evidence to prove that the dwelling was uninhabitable, such as quotes, reports, orders, inspections or permits.

The Member concluded that the landlord did not require the rental unit for his own use or for the use of a family member. The Member found that the landlord's testimony was filled with contradictions as to the future plans for the building and concluded that the ultimate aim of the landlord was to renovate the house so it could be sold or to demolish it. These reasons, according to the Member, did not constitute a good faith application for landlord's own use. The landlord's application was dismissed.

Landlord Application **TNL-08147-RV/RV & TNL-08149-RV/RV Section 21.2**

The landlord applied for an order terminating the tenancy and evicting the tenants because they knowingly misrepresented their income with respect to a "rent geared to income" unit and because they failed to pay the rent that they owe. These applications were resolved by two orders issued in July 1999.

The tenants filed a request for review of the orders and in October 1999, a review order was issued, again terminating the tenancy. The review order provided that the Sheriff could enforce the eviction on or after October 12, 1999. The tenants filed a second request for review and an appeal to the Divisional Court, both of which were dismissed.

The landlord made no attempt to enforce the review order until December 2004, at which time the tenants filed another request for review. The tenants alleged that the landlord's attempt to enforce the review order at this late date was an abuse of process and that, because of discussions between the landlord and the tenants regarding the tenancy and the payment of rent owing, a new tenancy had been created. In response, the landlord argued that it had been attempting to give the tenants an opportunity to pay the rent owing and that the landlord had the right to enforce the order.

The Member considered section 83.1 of the *Tenant Protection Act*, which provides that an order of the Tribunal evicting a person expires six months after the order takes effect if it is not filed with the Sheriff within those six months. Although this section did not come into effect until the year 2000, the evidence indicated that the landlord did in fact file the review order with the Sheriff within the required six months.

The Member then considered whether the actions of the landlord from the date of the appeal decision to the date of the hearing created a new tenancy. Taking into consideration sections 45(1) & (2) of the Act, the Member found that there was nothing to support a finding that a new tenancy was created. The Member also found that discussions regarding the payment of rent and standard dealings with a tenant prior to the enforcement of an order for termination do not by their mere existence establish a new tenancy and the fact that the landlord did not execute the order in a timely manner did not mean that a new tenancy had been created.

The final issue considered by the Member was whether there is a time limit for the enforcement of a Tribunal order that was filed with the Sheriff and whether the Tribunal has any jurisdiction in this regard. The Member considered the relevant sections of the Act and the Court's Rules of Civil Procedure. The Member noted that any order evicting a tenant issued by the Tribunal and properly filed with the Sheriff, is to be enforced in the same manner as a writ of possession. Pursuant to Rule 60.10(3) of the Rules of Civil Procedure, the eviction order would expire if not enforced within one year from the date of the order authorizing the eviction (a writ of possession), unless it was renewed by an order of the court. There was no evidence as to whether or not the landlord had obtained such a renewal order.

The Member found that although there may be merit to the tenants' challenge of the landlord's right to enforce the review order, the authority and responsibility for the enforcement of Tribunal orders rests with the Sheriff, subject to the Rules of Civil Procedure. Therefore, if a party has an issue with regard to the enforcement procedures of a Tribunal order, jurisdiction rests with a court of competent jurisdiction. The tenants' request for review was denied.

Tenant Application **TNT-03746 Section 35**

The occupants of a house applied for an order determining that the Ministry of the Attorney General/Office of the Public Guardian and Trustee and the owner's son had interfered with their reasonable enjoyment of the rental unit.

The owner of the house currently lives in a nursing home. She had formally lived in the house with her husband and son. In 2002, the husband died. The son continued to reside in the home.

The Public Guardian and Trustee is the statutory guardian of the owner of the house pursuant to section 15 of the *Substitute Decisions Act, 1992*. The Public Guardian and Trustee determined that it was necessary to sell the house in order to pay for the owner's nursing home expenses. The Public Guardian and Trustee informed the son that he had no authority to occupy the property and that it intended to the sell the house. The son refused to vacate and without notifying the Public Guardian and Trustee, the son rented the house to four people (the occupants).

The Public Guardian and Trustee filed an application to the courts to recover possession of the property from the owner's son. The court ordered that the Public Guardian and Trustee was entitled to possession of the property and a writ of possession was issued. The Public Guardian and Trustee informed the son by means of a letter of its intention to enforce the writ of possession. Shortly thereafter, the occupants of the house contacted the Public Guardian and Trustee. The occupants explained that they were tenants of the son and that they had signed an agreement, which permitted them to live in the house for a period of one year. The Public Guardian and Trustee proceeded with the enforcement of the writ of possession as scheduled and the occupants moved out.

The Member found that when the son entered into the tenancy agreement with the occupants, he clearly had no authority to occupy the unit himself and therefore had no right to permit occupancy to anyone else. The fact that the occupants considered themselves to be tenants did not create a tenancy. Two aspects of a tenancy must exist. In addition to the requirement that the person or persons who wish to occupy the unit must pay rent for the right to occupy the rental unit, the person acting as the landlord must also have the right to permit occupancy. The Member found that the only person that had the right to permit occupancy was the Public Guardian and Trustee. The application was therefore dismissed.

Landlord Application **TSL-67475 Section 80**

The landlord terminated the superintendents' employment on November 22, 2004. The superintendents did not vacate within one week from this date, so the landlord applied for an order to terminate the tenancy and evict the superintendents because their employment ended.

The superintendents disputed the daily rental rate of $36.44 claimed in the landlord's application. This daily rate is used to calculate the total compensation that the superintendents owe the landlord for each day that they remain in the apartment after their employment was terminated.

The landlord explained at the hearing that he based the daily rent on a monthly rent of $1,100, which is the rent he expected to be able to charge for the unit when it was re-rented. The superintendents argued that the calculation of the daily rate should be based on the rate set at

the time they made the contract with the landlord and not on market rent. Based on their contractual agreement with the landlord, the superintendents calculated the daily rate to be $21.11.

The Member found the approach taken by the superintendents to determine the daily compensation owed to the landlord was reasonable and consistent with the *Tenant Protection Act*. The Member noted that the Act is not designed to give the landlord a "windfall gain" by overcharging the superintendents after the landlord has terminated the employment contract. The Member found that the daily compensation the superintendents should be paying is $21.11.

At the hearing, the superintendents stated that they found a new residence for January 1, 2005 and it would be harsh to put them and their child out of their home during the holiday season. The Member exercised his discretion under section 84(1) to postpone the eviction date. The Member terminated the tenancy and ordered the superintendents to vacate on or before January 1, 2005. In view of the fact that the Member found in favour of the superintendents regarding the daily compensation rate, the Member did not award the landlord the $150 cost of filing the application.

BIOGRAPHIES

CHAIR

Chisanga Puta-Chekwe *(June 17, 1998 - August 31, 2004)*

Chisanga Puta-Chekwe attended Sir William Borlase School in Marlow, Buckinghamshire, before studying law at the University of Birmingham in England. A Rhodes scholar, he received graduate degrees in law from the University of London, and in philosophy, politics and economics from the University of Oxford. Mr. Puta-Chekwe was a partner in the firm Lloyd, Jones and Collins in Zambia from 1980 to 1986, and litigated a number of human rights cases, some of which became landmark decisions.

From 1986 until 1989, he was vice president of Meridien International Bank in London, England. He then worked as an international development consultant, mostly with the Canadian International Development Agency in Ottawa from 1989 until 1994. In 1994, he served as adjudication officer and United Nations observer support officer monitoring the South African election, and in 1996 served as election supervisor in Bosnia and Herzegovina.

He spent six years with the Ontario Criminal Injuries Compensation Board, serving as a part-time board member from 1991 until 1994, and as chair of the Board from 1994 until 1997. He served as executive director of Oxfam Canada between 1997 and 1998. He also served as co-chair of the Conference of Ontario Boards and Agencies (COBA 2000).

Mr. Puta-Chekwe is a Solicitor of the Supreme Court (England and Wales), and an Advocate of the High Court for Zambia.

INTERIM CHAIR

Beverly Moore *(September 1, 2004 – June 1, 2005)*

Beverly Moore graduated from Sir Wilfred Laurier University with a Bachelor of Arts degree. She later graduated from the law clerk program at Fanshawe College. Ms. Moore spent 12 years working in community legal clinics. Before coming to the Tribunal, Ms. Moore served as a vice chair with the Social Assistance Review Board.

VICE CHAIRS

Elizabeth Beckett

Elizabeth Beckett, a graduate of Osgoode Hall Law School, has spent much of her professional life in the teaching profession. Prior to taking up her position at the Ontario Rental Housing Tribunal she was a part-time professor of Law at Sheridan College and for the past ten years has taught Business Law for Canadian General Accountants. Ms. Beckett brings with her experience gained as an adjudicator to the Boards of Inquiry for the Human Rights Commission.

Charles Gascoyne

Charles Gascoyne graduated from the University of Windsor with a Bachelor of Arts degree in 1983 and a Bachelor of Laws degree in 1986. Mr. Gascoyne is a member of the board of directors of the Essex Law Association.

Gilles Guénette *(term ended June 16, 2004)*

Gilles Guénette graduated from the University of Ottawa, Faculty of Law where he later lectured in civil procedure. He worked as a general practitioner for more than 30 years and also acted as ad hoc hearing counsel for the RCMP Public Complaints Commission. Mr. Guénette recently practised as an arbitrator and mediator, and lectured in alternative dispute resolution at the Law Society of Upper Canada Bar Admission Course. He is a former resident of L'Association des juristes d'expression française de l'Ontario.

Connie Holmes

Connie Holmes has a long history with the Ministry of the Attorney General. She has served as registrar of the Divisional Court, Southwest Region; hearings officer for Small Claims Court pre-trials; registrar for Landlord and Tenant Hearings, and counter services manager in London; court services manager in Stratford and Goderich; assistant to the regional senior judge for the Southwest Region, and special advisor to the assistant deputy attorney general.

Mary Lee

Before coming to the Tribunal, Mary Lee served for three years as registrar and chief administration officer of the Criminal Injuries Compensation Board. Prior to that, Ms. Lee was extensively involved in training and staff development with the Ontario Provincial Police for over eight years. She also served in the Premier's Office, Correspondence Unit.

Jeffrey Rogers *(term ended June 16, 2004)*

Jeffrey Rogers graduated with a Bachelor of Arts degree in English from the University of Toronto and with a Bachelor of Laws from the University of Windsor. After his call to the Bar he entered practice as a sole practitioner and practised extensively in the areas of civil litigation and real estate. In 1992, Mr. Rogers was appointed a deputy judge of the Toronto Small Claims Court and continued to adjudicate on all matters within the jurisdiction of that court until his appointment to the Tribunal.

Guy Savoie

Guy Savoie has held numerous senior management positions within both the financial and business sectors for the past 17 years. Since 1990 Mr. Savoie was a Professor at Seneca College teaching a diverse business subject portfolio within the undergraduate and post diploma business and marketing programs.

ADJUDICATORS

Elizabeth Brown

Elizabeth Brown is an Honours graduate of Humber College in Business Administration. Ms. Brown was a small business owner for a number of years before being elected first to City of Etobicoke Council in 1991 where she served two terms, and then to City of Toronto Council in 1998.

Enza Buffa

Vicenzina Buffa of Toronto served as a Customer Relationship Management Reporting Analyst in the private sector for a world-class call center whose client is primarily Ford Motor Company. Ms. Buffa was dedicated to this company for six years where she used her communication and conflict resolution skills on a daily basis with many internal and external clients. She is a certified internal ISO auditor and has also held various positions during her term, such as Workforce Planning and Management and Payroll Administrator.

Kim Bugby

Kim Bugby graduated from the University of Western Ontario with a Bachelor of Arts Degree in Psychology as well as from Loyalist College with a Diploma in Developmental Services. Ms. Bugby has extensive experience in community and social services for children, youth and adults including social assistance, housing, education and rehabilitative case management. Most recently, Ms. Bugby was employed as a Community Support Coordinator providing services to persons diagnosed with a serious mental illness.

Richard Cantin *(term ended August 20, 2004)*

Richard Cantin served Canada Post Corporation in progressively responsible positions over a 19-year period. Mr. Cantin was the Founding President of the Gloucester-Cumberland Chapter of the Heart and Stroke Foundation and an active leader and Assistant Commissioner with l'Association des Scouts du Canada. A graduate of Brookfield High School in Ottawa, he received undergraduate education in Social Sciences and Labour Law at Carleton University and the University of Ottawa.

Stanley Chapman (term ended October 31, 2004)

Stanley Chapman was educated in Scotland and has experience with municipal and provincial governments in a number of capacities. Prior to joining the Ontario Rental Housing Tribunal, Mr. Chapman served for seven years as an adjudicator with the Workers' Compensation Appeals Tribunal.

Richard Corcelli

Richard Corcelli spent many years with 3M Canada in sales and management before moving to Muskoka 30 years ago where he operated his own automotive/industrial supplies business for 14 years. Following that, he worked as a sales and parts counterman trainer for both DuPont Canada and Georgian College. He was an elected Councillor for the Town of Gravenhurst where he chaired the Development Services Committee and the District of Muskoka where he chaired the Public Works and Engineering.

Robert Côté *(term ended March 19, 2005)*

Robert Côté is a graduate of the University of Montreal (B.Sc.A. Chemical Engineering,1962) and the Osgoode Hall Law School (LL.B.1990). He has worked in the chemical, petrochemical and energy fields for over 25 years. Mr. Côté was called to the Ontario Bar in 1992 and was in private practice in the Ottawa area working primarily in the Immigration and Labour law fields.

Paul De Buono

Paul De Buono obtained a master's degree in 1994 from Texas A&M University and a law degree in 1999 from Osgoode Hall Law School of York University. He worked for the Toronto District School Board and recently with the Durham Children's Aid Society, including a private practice focused mainly on family law.

Susan Ellacott

Susan Ellacott is a resident of the Ottawa region and served in the departments of International Trade, Consumer and Corporate Affairs, Natural Resources, and the Prime Minister's Office. In addition, she completed the Executive Leadership Course at the Canadian Centre for Management Development, received the Canada 125 Award for contributing to the community, and the federal public service Distinctive Service Award in recognition of support to the science and technology community. Ms. Ellacott graduated from Brookfield High School and received her diploma in Business Administration from Algonquin College.

Nancy Fahlgren *(Part-Time)*

Nancy Fahlgren comes to the Tribunal with over 10 years experience in administering rental housing legislation. Professional highlights include: serving as acting chief rent officer under Rent Control Programs, adjudicating issues governed by previous housing legislation, and mediating landlord and tenant rental matters. Ms. Fahlgren studied science and languages at Nipissing University and the University of Toronto.

Richard Feldman *(term ended June 16, 2004)*

Richard Feldman holds Bachelor of Arts, Bachelor of Laws and Bachelor of Education degrees. He is the recipient of many academic honours, including the Arnold Balins Award from the University of Toronto. He received this award for his high academic standing, his demonstrated concern for others, his perseverance, and for his leadership qualities. As a lawyer, Mr. Feldman

had acted on behalf of landlords and tenants in residential and commercial tenancy disputes and rent review applications. He has experience in administrative law, civil litigation and residential real estate transactions.

Eli Fellman

Eli Fellman holds an Honours Degree in Political Science from Trent University, pursued graduate studies at Carleton University and attained a Bachelor of Laws Degree (LL.B.) at the University of Ottawa. Prior to his appointment to the Tribunal as an adjudicator, he was a policy analyst at the federal Department of International Trade in Ottawa. Subsequent to his call to the Ontario bar in 2002, he practiced international trade and customs law in Toronto.

Harry Fine *(term ended November 20, 2004)*

Harry Fine graduated from the University of Toronto (B.A. Hons.) in 1977. Mr. Fine was active in raising money for many local and provincial charities including Big Brothers, the Variety Club of Ontario and Kids Help Phone. He was elected legislative, constitutional and business development chairs for his industry's trade association over his 16 years of service. Mr. Fine was appointed to the Ontario Rental Housing Tribunal in 2001. In August of 2002, Mr. Fine was appointed to the Toronto Committee of the Federal Judicial Appointments Advisory Committee by the Minister of Justice, the Honourable Martin Cauchon.

Régent Gagnon

Régent Gagnon is a graduate of Le Moyne College in Syracuse, N.Y. (B. Sc. Humanities, 1963). He worked in public and private sector organizations in all facets of Human Resources Management until 1985 when he founded his own Human Resources consulting firm. As a recognized expert in Human Resources, Mr. Gagnon was invited to teach Human Resources courses at Carleton and Ryerson Universities. Prior to his appointment to the Ontario Rental Housing Tribunal, Mr. Gagnon served as a part-time member of the Assessment Review Board from 1993 to 1999. In addition, he was a member of the Planning Advisory Committee for Clarence Township and of the Board of Directors of the Ottawa Personnel Association and the Big Sisters of Ottawa-Carleton.

Robert Gleeson *(term ended June 23, 2004)*

Before coming to the Tribunal, Robert Gleeson was Manager of Provincial Offences Courts and Prosecutions for the City of Kawartha Lakes and the County of Haliburton. Mr. Gleeson is

bilingual and a former Police Inspector and Commanding Officer of Police Operations from the Montreal area. Upon taking an early retirement he subsequently moved to Ontario and became Chief of Municipal Law Enforcement for the City of Vanier and was a Prosecutor for Provincial Offences and By-Law enforcement matters for seven years. He is the recipient of the Canadian Governor General's Medal and Certificate for meritorious service to law enforcement in Canada and an Outstanding Employee Award from the Attorney General of the Province of Ontario

John Goodchild *(term ended February 2, 2005)*

John Goodchild graduated from Queen's University in 1977 with a Bachelor of Laws degree and was called to the Ontario bar in 1979. He was engaged in private practice in both Ottawa and Kingston until 1993, later employed by the Information and Privacy Commissioner of Ontario from 1993 to 1996. Mr. Goodchild was also engaged in private practice in the United States for two years and employed by the Information Commissioner of Canada before his appointment to the Ontario Rental Housing Tribunal.

Murray Wm. Graham

Murray Wm. Graham graduated from York University in 1970 with a Bachelor of Arts degree and from Osgoode Hall Law School in 1973 with a Bachelor of Laws degree. After his call to the Bar in 1975, he practised law in the City of Toronto until 1989. From 1990 to 1998, Mr. Graham was a legal and administrative consultant to corporations in the transportation, waste management and environmental research and development industries.

David Gregory

David Gregory graduated from the University of Toronto where he received a Bachelor of Arts and Sciences degree in 1969 and a Bachelor of Laws degree in 1972. Mr. Gregory carried on a general law practice from 1974 until his appointment as a member of the Ontario Rental Housing Tribunal in 1998. Mr. Gregory has served as a deputy judge of the Small Claims Court.

Sean Henry

Sean Henry is a graduate of the University of Toronto (B.A. Honours), York University (M.B.A.) and Queen's University (LL.B.). Mr. Henry carried on a criminal and family law practice before becoming an adjudicator with the Social Benefits Tribunal. Mr. Henry then worked as a senior policy analyst with the OMERS Pension Plan and after that as a policy advisor of the Ministry of Municipal Affairs and Housing.

David Hutcheon

David Hutcheon served as Vice Chair of the Environmental Review Tribunal from 1999 to 2002 and spent ten years in provincial and municipal government during which time he served as Deputy Mayor, Budget-Chief, and executive council member on Toronto City Council. Mr. Hutcheon was a Commissioner on the Toronto Harbour Commission and a Director of the Runnymede Chronic Care Hospital. He is a recipient of the Canadian Institute of Planners' S. George Rich 1998 award, and the Commemorative Medal for the 125th Anniversary of the Confederation of Canada. Mr. Hutcheon has a Master of Public Administration degree from the University of Western Ontario and an Honours Bachelor of Arts degree in History from Rutgers University, New Jersey U.S.A. He is a Henry Rutgers Scholar.

Linda Joss *(Part-Time)*

Linda Joss commenced her career in the pioneer days of child care work, graduating from Thistletown Hospital in 1961. Ms. Joss spent ten years in the child care field, supervising programmes for emotionally disturbed children, and working for the Children's Aid Society. She later joined Metro Toronto's Community Service Department as a manager of hostels. During 25 years with Community Services, Ms. Joss managed and developed programs in Metro's four major hostels, including the opening of two new large facilities. Ms. Joss' experience in emergency housing has offered her a depth of knowledge of housing issues and the impact of evictions.

Catherine Keleher *(term ended May 24, 2004)*

Catherine Keleher started with the Tribunal as a part-time Member in July 2000, and became a full-time Member in February 2001. Ms. Keleher served 13 years as Reeve of the Town of Palmerston, where she served as a member of Wellington County Council and was elected Warden for 1994. Ms. Keleher chaired many committees of the Town of Wellington. She was Vice-Chair of the Wellington County Library Board and a member of the Wellington County Police Services Board and the Wellington-Dufferin-Guelph Board of Health.

Caroline King

Caroline A. A. King graduated from Glendon College, York University (bilingual stream) with an Honours degree in Canadian Studies and Political Science, then attained her Bachelor of Laws degree from the University of Western Ontario. Before her appointment to the Tribunal, she practiced law for a number of years, and was active in her local community.

Edward Lee *(term ended August 16, 2004)*

Edward Lee graduated from McGill University where he received his Bachelor of Science degree, as well as degrees in both civil (BCL) and common law (LLB), and has practised law in both Quebec and Ontario. He has also previously adjudicated with the Adjudication Directorate of Canada Immigration.

Elizabeth Leighton

Elizabeth Leighton graduated from the University of Western Ontario with an Honours degree in English & History, then attained her Master of Library Science and Bachelor of Laws degrees. Before her appointment to the Tribunal, she practiced law for a number of years, and was active in her local community.

Sonia Light

Sonia Light graduated with distinction from McGill University in 1980 where she received her Bachelor of Arts degree in geography (urban systems). She graduated from Osgoode Hall Law School in 1983 and was called to the Ontario Bar in 1985. In 1986 and 1987 she was a solicitor in the City Solicitor's office for the City of Hamilton. In 1988 she acted as legal counsel to the then Ministry of Housing's Buildings Branch. From 1989 to 1998 she was employed by the former City of North York and the new City of Toronto as a solicitor.

Janice MacGuigan

R. Janice MacGuigan is a graduate of The Institute of Law Clerks of Ontario. She practiced in the real estate field for 13 years, and later spent two years as a constituency correspondent. In addition, Ms. MacGuigan was an active volunteer in her community as Chair and Vice Chair of her local school council and a leader with Girl Guides of Canada.

Ian MacInnis *(term ended June 16, 2004)*

Ian MacInnis graduated with a Bachelor of Arts degree from the University of Waterloo. He has served with the Manitoba Police Commission, the Alberta Correctional Service, the Ontario Board of Parole, and as a councillor and deputy mayor for the City of Kingston. Prior to joining the Tribunal, Mr. MacInnis was in private practice as a court agent, representing clients in Small Claims Court and out-of-court settlements. He was active on several community boards and committees, including the City Revenue Committee, Kingston Access Bus, Kingston Planning

and Development Committee, Community Economic Advisory Committee, and the Rwandan Orphans' Relief Fundraising Committee.

Wayne MacKinnon

Wayne MacKinnon attended the University of King's College and Dalhousie University in Halifax, Nova Scotia, where he studied in the faculty of Arts and Science (Social Sciences), and then went on to do some graduate work in Boston, Massachusetts USA. Before his appointment to the Tribunal he worked for many years with the Municipality of Ottawa-Carleton and, after that, with the Government of Canada at various levels and in various departments. Mr. MacKinnon was a Member of the Mayor's Advisory Committee on Race Relations and a voluntary Member of Bell Canada's Consumer Advisory Panel.

Donald MacVicar *(term ended June 16, 2004)*

Donald MacVicar graduated from Acadia University in Wolfville, Nova Scotia with a Bachelor of Business Administration degree. He continued his education at Dalhousie University in Halifax, Nova Scotia, where he obtained his Bachelor of Laws and Master of Business Administration degrees. He was called to the bar in Nova Scotia and Ontario. From 1988 to 1998, Mr. MacVicar was in private practice in the Toronto area. Since June of 1998, he has been a full-time member of the Tribunal, in Toronto.

Ieva Martin

Ieva Martin served as Chair of the Board of Referees, the appeal tribunal for the Employment (formerly Unemployment) Insurance Commission, from 1995 to 2004. Prior to that she was a small business owner and a member of the Board of the Clarkson Business Improvement Association. She was the President of the Latvian Canadian Cultural Centre. Ms. Martin obtained a Bachelor of Arts (B.A. Hons.) in French and Canadian Studies from the University of Toronto. She also studied Science at McGill University.

Steve McCutcheon *(term ended June 16, 2004)*

Steve McCutcheon graduated from Queen's University in 1979 with a Bachelor of Arts degree, and the University of Windsor in 1985 with a Bachelor of Laws degree. He was called to the bar of Ontario in 1987. He practised law with Gardiner, Roberts in Toronto and later with smaller firms in Milton, Ontario.

Donna McGavin

Donna McGavin was a member of the Rent Review Hearings Board from 1987 until 1994. She became a vice chair of the Social Assistance Review Board in 1995 and remained at SARB until 1998. In June 1999, Ms. McGavin was appointed as a member of the Ontario Rental Housing Tribunal.

Dennis McKaig

Dennis McKaig is a graduate of Humber College in Toronto, (Funeral Service Education, 1980), and The University of Western Ontario (Bachelor of Science, 1988). Mr. McKaig worked in funeral service in Southwestern Ontario during most of the 1980s. He was with the Ministry of Health (Emergency Health Services) in the communications field since 1989, and has also worked on a part-time basis as a paramedic. Mr. McKaig previously has acted as a Board member and Committee Chair for Craigwood Youth Services, a children's mental health and young offender's agency.

Brian McKee *(Part-Time)*

Brian McKee graduated from Algonquin College, Management major, School of Business, in 1972. He has held senior management positions in the private sector over the past twenty-five years. He also worked as a management consultant to several large corporations and privately owned businesses from 1989 to 2002.

Angela McReelis

Angela McReelis is a graduate of Sir Sandford Fleming College, Law and Justice Program. Ms. McReelis has furthered her studies in obtaining the following certificates: Law Clerks of Ontario, and Alternative Dispute Resolution techniques. Before joining the Tribunal, Ms. McReelis was a Complaints Resolution Officer at the Law Society of Upper Canada and prior to that she was an Application/Assessment Officer at Legal Aid Ontario.

Alan Mervin

Alan Mervin attended York University, obtaining a Bachelor of Arts Degree in Sociology in 1971, and received a Bachelor of Laws (LL.B.) from the University of Windsor in 1974. Mr. Mervin joined the Ontario Legal Aid Plan, now Legal Aid Ontario, where he served as a staff lawyer in a number of capacities. Mr. Mervin left Legal Aid in 1980, to enter the private practice of law with a focus on Criminal Trial Practice.

Beatrice Metzler *(Part-Time)*

Beatrice Metzler is a graduate of Lakehead University, specializing in Education. She went on to obtain her accreditation in Association Management. Beatrice held the positions of General Manager of the Thunder Bay Chamber of Commerce and then Executive Director of the Thunder Bay area Industrial Training Organization. Following her career in association management, she established her own Project Management business. She has been an active director on several business, professional and community boards, both locally and provincially.

Christina Budweth Mingay

Christina Budweth Mingay graduated from McMaster University with a Bachelor of Arts and Bachelor of Laws (LL.B.) from Queen's. Ms. Budweth Mingay was in private practice until 1991 with a focus on civil litigation. During the period 1991 to 2001, she practiced law with the Law Society of Upper Canada.

Gerald Naud

Gerald Naud graduated from the University of Ottawa with a degree in civil law. Following graduation he maintained a private practice prior to taking a position with the Government of Canada in the compliance department of Transport Canada. Mr. Naud was also involved in a successful private business for numerous years. Most recently he held the position of Director of Business Development for CCH Canadian Limited, one of Canada's leading publishers.

Lynn Neil *(Part-Time)*

Lynn Neil is a graduate of Andrews University and the University of Ottawa with degrees in psychology and criminology. She also has diplomas in Advanced Human Resource Management from the University of Toronto, and Alternative Dispute Resolution from the University of Windsor Law School. Ms. Neil had worked for 28 years for the Ontario government, during which time she directed a number of large enforcement programmes in various ministries. Since her retirement she has been engaged part-time in consulting work, specializing in human resource management.

Babatunde Olokun

Babatunde M. Olokun is a graduate of the University of Tuskegee, Alabama (B.Sc.1978), John Marshall Law School, Atlanta, U.S.A (JD. Law 1983) and The Nigerian Law School, (B.L. 1986). He carried on a general law practice in Nigeria from 1986 to 1999 until his appointment

to the Nigeria Federal House of Representatives, where he served until 2003. Mr. Olokun was a volunteer Community Legal Worker with the Rexdale Community Legal Clinic until his appointment in 2004 with the Ontario Rental Housing Tribunal.

Pina Sauro

Pina Sauro graduated from Toronto's Ryerson University with a Bachelor of Social Work Degree and a Diploma in Human Psychology. Ms. Sauro has 17 years' experience in municipal government with the City of London. While there, Ms. Sauro held a variety of roles including policy and program development, training, communications, organizational development, financial assistance, and funding allocation. Ms. Sauro's focus has been in the field of community and social services for children, youth, families, and seniors, including social assistance, recreation and long-term care. Through her role in the allocation of provincial and municipal funding, Ms. Sauro had the opportunity to work with many community organizations to address community needs in areas such as child care, homelessness, mental health, diversity, and street youth services.

Sherry Senis

Sherry Senis has 12 years experience managing all aspects of a diversified business portfolio. As a former owner/broker of a real estate firm, she managed human resources, liability management, company structuring and business planning. As well as receiving her certificates in business administration, mortgage financing, property law and appraisal, she obtained her designation as a market value appraiser (MVA) in 1995. As a municipal councillor, Ms. Senis served as chair and/or member of several committees; director of the Social Development Council; vice chair of the Pickering Hydro Liaison Committee; and member of the Personnel and Performance Appraisal Committee.

Freda Shamatutu

Freda Shamatutu holds a Bachelor of Laws degree from the University of Zambia obtained in 1981. She practiced law in Zambia for 20 years before migrating to Canada. Ms. Shamatutu has spent most of her professional career at senior management level working for various organisations, including as Chief Legal Advisor and Legal Counsel for the Zambian national airline, as Board Secretary and Director Support Services for Zambia Revenue Authority and as Executive Director for the Advanced Legal Training Institute in Zambia (the Institute trains law graduates in bar admission courses and also provides lawyers with continuing legal education).

Before her appointment as an adjudicator with the Tribunal, Ms. Shamatutu was employed as Office Manager for a law firm in Toronto.

Catherine Skinner *(term ended October 20, 2004)*

Catherine Skinner is a graduate of the University of Toronto, Faculty of Law and the University of Winnipeg, where she received a Bachelor of Arts Honours degree in French and classics. She is a member of the Law Society of British Columbia and the Law Society of Upper Canada. Prior to joining the Ontario Rental Housing Tribunal, Ms. Skinner was legal counsel to the Ontario Assessment Review Board.

Peter Spadzinski *(term ended June 23, 2004)*

Peter Spadzinski was an educator for over 30 years, serving as teacher, consultant and administrator in both elementary and secondary panels. A graduate of Laurentian University and the University of Waterloo (History, Politics, French), Mr. Spadzinski has been on municipal council for 15 years, 12 as Reeve. During that time he was also member of the Parry Sound and Area Planning Board, serving as chair for three years.

Valarie Steele

Valarie Steele worked for several years in the financial (stockbrokerage) industry, specializing in the syndication of new issues. An experienced Human Resources consultant, she owned and operated a placement agency that supplied staff for the office environment primarily in the financial sector. Ms. Steele has volunteered extensively in the community for over three decades where she has been involved in a number of projects that benefited the community. She is past president of the Jamaican Canadian Association and Chairperson of the Community Police Liaison Committee at Division 13.

Cynthia Summers

Cynthia Summers is a graduate of McMaster University in 1988 with a Bachelor of Arts degree in Political Science, and in 1995 she received her Master's in Social Welfare Policy. Ms. Summers has extensive experience in the social service field and in working with a diverse clientele. She has worked with social assistance recipients, and mentally and physically challenged children and adults. Her experience includes representing the Ministry of Community and Social Services as a case presenting officer before the Social Assistance

Review Board. Most recently, she was a professor in the School of Community Services at Sheridan College.

Julius Suraski *(Part-Time)*

Julius Suraski is a practicing insurance broker with an extensive background in accounting, claims management and dispute resolution. Mr. Suraski is a graduate of the University of Toronto (Bachelor of Commerce degree in 1972), the Canadian Institute of Chartered Accountants in 1974, and York University in 1998, holding a Certificate in Dispute Resolution. He is a member of the Arbitration and Mediation Institute of Ontario. Mr. Suraski is a co-founder of the Collision Industry Standards Council of Ontario and an industry spokesperson, promoting consumer protection through the implementation of safe repair standards and ethical business practices. He has published several works including *Audit Programs for Colleges and Universities* (1984) and *The Decline of the Auto Repair Industry in Ontario* (1997). He is a frequent contributor to various insurance trade publications. Mr. Suraski is committed to community service and has contributed in excess of 4,000 hours of volunteer service at the Baycrest Centre for Geriatric Care in Toronto.

Najibullah Tahiri

For over 20 years, Najib Tahiri has been involved in the community and social justice issues affecting new Canadians. In the 1980s, he served as the President of the Afghan Association on Ontario, a non-profit organization responding to the needs and aspirations of Afghan-Canadians in Ontario. Between 1992 and 2003, he served as a Member of the Immigration and Refugee Board, the largest Canadian tribunal making decisions on immigration and refugee matters. Mr. Tahiri was a volunteer member at various community-based organizations including the North York Cross-Cultural Committee, North York Inter-Agency and Community Council, and Canadian Council for Refugees. He holds a Bachelor of Science degree in Mechanical Engineering from Kabul University in Afghanistan.

George Taylor *(term ended May 25, 2004)*

George Taylor is a graduate of McMaster University and Osgoode Hall Law School. He has carried on a general law practice in Barrie since 1968. Mr. Taylor has served as a Deputy Judge of the Small Claims Court, and was a member of the Legislature of Ontario from 1977 to 1985. He is also qualified as an arbitrator and mediator. In addition, Mr. Taylor was involved for many years in community service work and numerous professional organizations.

Gerald Taylor

Gerald Taylor has many years of administrative background, having worked in banking, automotive and information technology industries. During his career Mr. Taylor held positions of significant responsibility and decision making. He also dedicated considerable time to community activities such as Junior Achievement, United Way, Local and Ontario Chambers of Commerce and Durham Enterprise Centre for small business.

Christopher Trueman

Christopher Trueman has been actively involved in both the public and private sectors. In 1994, Mr. Trueman was elected to serve as a school board trustee with the Haliburton County Board of Education. Mr. Trueman spent many years in the private sector as the owner of an equipment leasing company. In 2001, after completing studies through the University of Waterloo and Osgoode Hall Law School, he established a private practice in the field of Alternative Dispute Resolution. He is a former member of the ADR Institute of Ontario and the Association for Conflict Resolution in Washington D.C.

Jonelle Van Delft

Jonelle Van Delft graduated from Queen's University with an Honours degree in History, a Special Field Concentration in Women's Studies and a Bachelor of Laws degree. Before her appointment to the Tribunal, she practiced Clinic Law under the Ontario Legal Aid Plan.

Michael van Dusen *(Part-Time)* *term ended June 2, 2004)*

Michael van Dusen is a graduate of the University of Ottawa (B.A.1982 (*cum laude)*, LL.B. 1986). He practised with the firm of Goldberg, Shinder, Gardner & Kronick until 1997 when he joined Messrs. Burke-Robertson. He continues to carry on an active practice with particular emphasis on insurance and commercial litigation. Mr. van Dusen is directly involved in several local charities and continues to devote much of his spare time to community fundraising. He was appointed as a part-time member of the Ontario Rental Housing Tribunal on February 1, 2001, assigned to the Eastern Regional Office.

Rosa Votta

Rosa Votta has worked in various departments of the provincial government, including Health, Citizenship, Culture (Tourism) and Recreation and several branches of the Ministry of Labour,

namely the Health and Safety Branch and most recently the Employment Standards Branch, as an Employment Standards Officer, administering and enforcing the *Employment Standards Act*.

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(416) 326-5300
1-800-668-9938

ISSN 1492-5966

Disponible en français: Tribunal du logement de l'Ontario\le rapport annuel 2004-2005

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